

## Waqf Amendment Bill, 1995

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### Why in the News?

The Union government has referred the Waqf Amendment Bill to a Joint Parliamentary Committee (JPC), after opposition from various political parties.

### What is Waqf?

- In Islamic law, a “waqf” refers to a **property dedicated to God for religious or charitable purposes**.
- This can include both movable and immovable assets set aside to serve the public good.

- Establishing a waqf is seen as an act of piety that allows Muslims to continue their charitable contributions even after death.
- A waqf can be formally created through a deed or may be recognized as such if a property has been used for religious or charitable activities over a long period.
- The income generated from these properties is typically used for maintaining mosques, funding educational institutions, or supporting the poor.
- Notably, once a property is designated as waqf, it **cannot be inherited, sold, or transferred**.
- Non-Muslims can also establish a waqf, provided the purpose aligns with Islamic principles.

## Regulation of Waqf in India

- In India, waqf properties are governed by the **Waqf Act of 1995**.
- The identification and documentation of these properties are carried out through a survey conducted by the State government.
- A survey commissioner, appointed under the Act, investigates the properties, gathers witness testimonies, and reviews public documents to identify waqf assets.
- Once identified, these properties are officially recorded in the State's gazette, and a detailed list is maintained by the State Waqf Board.
- The management of each waqf is overseen by a mutawalli, or custodian, who is responsible for its administration.
- While similar to trusts established under the Indian Trusts Act of 1882, waqfs differ in that they cannot be dissolved by a governing board.

## Role of Waqf Board

- **State Waqf Boards:**
  - The Waqf Act of 1995 establishes Waqf Boards in each State to oversee the management of waqf properties within their jurisdiction.
  - These Boards are legal entities with the ability to sue or be sued in court.
  - Each State Waqf Board is led by a chairperson and includes representatives from the State government, Muslim legislators, recognized Islamic scholars, and mutawallis of waqfs.
  - The Act mandates the appointment of a full-time Chief Executive Officer (CEO) for each Board.
  - The CEO must be a Muslim and hold at least the rank of Deputy Secretary in the State government.
- **Powers & Responsibilities:**
  - The Waqf Board is empowered to manage waqf properties and recover any assets that have been lost.
  - It can approve the transfer of immovable waqf property through sale, gift, mortgage, exchange, or lease, but such actions require the approval of at least two-thirds of the Board members.
  - Amendments made to the Waqf Act in 2013 further strengthened the Board's authority, making it **nearly impossible to sell waqf properties, as neither the mutawalli nor the Board can sell waqf assets without stringent conditions**.
- **Central Waqf Council:**

- In addition to the State Waqf Boards, the legislation also establishes the Central Waqf Council, a national advisory body under the Ministry of Minority Affairs.
- This Council, **headed by the Union Minister of Minority Affairs**, ensures uniform administration of waqf properties across India.
- It advises the Union government on various waqf-related issues, including policy development, implementation of waqf laws, and resolving inter-State disputes.
- This structured framework aims to preserve the religious and charitable intent behind waqf properties, ensuring their proper management and protection under Indian law.
- **Unified Waqf Management, Empowerment, Efficiency, and Development Act, 2024**
  - The Union government on August 8 introduced a Bill in the Lok Sabha to amend the 1995 Waqf Act (1995 Act).
  - The proposed amendments seek to significantly reform the law by enhancing the Centre's regulatory authority over waqf properties and, for the first time, permitting the inclusion of non-Muslim members in Waqf Boards.
  - The draft legislation is proposed to be renamed the **Unified Waqf Management, Empowerment, Efficiency, and Development Act, 2024**.

## Key Changes Proposed in the Amendment Bill

- **Revised Definition of 'Waqf':**
  - Only lawful property owners who have practiced Islam for at least five years can now create waqf properties through formal deeds.
  - The **concept of 'waqf by use,' which allowed properties to be deemed waqf based on usage even if the original deed was disputed, has been abolished.**
  - Government properties cannot be recognized as waqf.
  - Widows, divorced women, and orphans can benefit from waqf proceeds.
- **Role of District Collectors:**
  - District collectors (or equivalent officers) will now survey waqf properties, replacing survey commissioners.
  - A centralized registration system for waqf properties will be established, and all details must be uploaded within six months of the law's enactment.
  - New waqf properties must be registered through this system.
  - The district collector will have the final say on whether a property is waqf, and a Waqf Board cannot control disputed land until the collector submits the final report.
- **Inclusion of Non-Muslims:**
  - Non-Muslims can now be included in key waqf institutions like the Central Waqf Council, State Waqf Boards, and waqf tribunals.
  - The Central Waqf Council will include three Members of Parliament, who do not necessarily have to be Muslim.
  - State Waqf Boards must now include two non-Muslims and two women.
  - Waqf tribunals will now be reduced to a two-member body, consisting of a district judge and a State government officer, and must resolve disputes within six months.

- **Financial Oversight:**

- The Centre can order audits of any waqf property by an auditor appointed by the Comptroller and Auditor-General of India.
- Waqf Boards must audit their accounts annually, using auditors from a State government panel.
- Penalties will be imposed on mutawallis (custodians) who fail to maintain proper accounts.

- **Judicial Review:**

- **Courts can now intervene in waqf disputes**, allowing appeals to be made directly to the High Court, increasing judicial oversight over waqf decisions.
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## **Q1. What is meant by Jizya Tax?**

The Jizya, a tax imposed on non-Muslims in the Islamic world, acted as a source of revenue and a pact of protection for those living under Muslim rule

## **Q2. What is Right to Property in India?**

Article 300-A (right to property act) was added to the Constitution in 1978. It states that “no person shall be deprived of his property except by authority of law”. It means that nobody can take away someone’s property. However, it gives authority to the government to do it, if needed.

**Source:** [Waqf Amendment Bill](#)

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